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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,421	07/28/2001	Alan D. Ward	10960563-2	2020

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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,421

Applicant(s)

WARD ET AL.

Examiner

Lewis A. Bullock, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,23,24,29,38 and 40 is/are rejected.
- 7) ☒ Claim(s) 22,25-28,30-37 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/28/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 23 recites the limitation "the one or more event generators" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is further examined that claim 23 depends from claim 22 not claim 21, since claim 22 is the first mention of the event generators. If the examiner is correct in this assertion, Applicant is requested to amend the claims as such.
2. Claim 40 recites the limitation "wherein at least one of the plurality of internal event generators" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. It is further examined that claim 40 depends from claim 39 not claim 38, since claim 39 is the first mention of the internal event generators. If the examiner is correct in this assertion, Applicant is requested to amend the claims as such.

Claim Objections

3. Claim 31 is objected to because of the following informalities: at step (b) of claim 31 is the phrase, "responsive to the a graphics application function call." The word "the" should be deleted to read, "responsive to a graphics application function call." Appropriate correction is required.

Allowable Subject Matter

4. Claims 22, 25-28, 30, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The cited claims have allowable subject matter for at least the following reason: The cited claims teach the hooks module including one or more event generators that are operatively located at the graphics library that controls the graphics hardware and configured to perform a diagnostic operation during normal operations of the graphics application. The prior art at best teach the performance of diagnostic operations during normal operations of the graphics application with event generators. However, the cited generators are not operatively located in the graphics library.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 21 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by TRUEBLOOD (US 5,893,053).

As to claim 21, TRUEBLOOD teaches a hooks module (x-server communication daemon) for use in a computer graphics system (X-Window System) including graphics hardware (display device) controlled by a graphics library (X-lib) that includes graphics library functions responsive to function calls (col. 4, lines 17-26; col. 8, lines 48-51) generated by a graphics diagnostic tool (state tracking client / event tracking client / GUI rendering client) executing on the computer graphics system (col. 8, lines 20-51), wherein the hooks module (x-server communication daemon) is configured to attach the graphics diagnostic tool (state tracking client / event tracking client / GUI rendering client) to predetermined portions of the computer graphics system (X-Window system) during normal operations of the graphics application and without interruption to the normal operations of the graphics application (col. 5, lines 3-7; col. 5, lines 22-41).

As to claim 38, TRUEBLOOD teaches a computer graphics system (X-Window System) comprising: a hooks module (x-server communication daemon) integrated within the computer graphics system for dynamically attaching a graphics diagnostic tool (state tracking client / event tracking client / GUI rendering client) to predetermined portions of the computer graphics system (X-Window System) while the graphics application is executing and without causing interruption of the execution of the graphics application (col. 5, lines 3-7; col. 5, lines 22-41).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over TRUEBLOOD (US 5,893,053).

As to claim 29, TRUEBLOOD teaches the graphics application and the hooks module (x-server communication daemon) communicate with each other through a interprocess communications (IPC) mechanisms providing sockets communications (col. 13, lines 52-67). However, TRUEBLOOD does not explicitly mention that the hooks module communicates with the graphics tool through sockets. It would be obvious to one skilled in the art that since sockets are used to communicate between a remote client and the daemon that sockets are also used to communicate between the remote diagnostic tool (state tracking client / event tracking client / GUI rendering client) and the daemon.

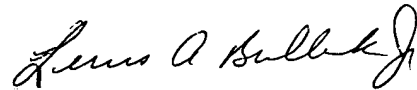
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0286.

A handwritten signature in cursive script, appearing to read "James A. Follansbee".

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